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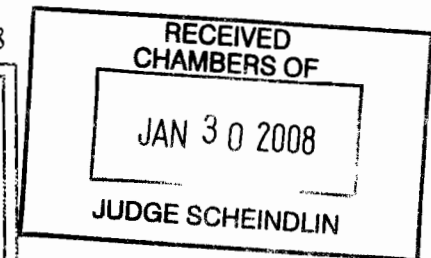
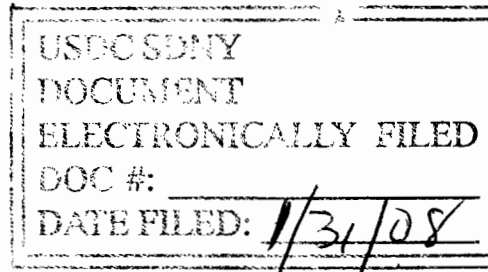
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January 30, 2008

Via Facsimile

Hon. Shira A. Scheindlin
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1620
New York, NY 10007



Re: C.D. Kobsons, Inc. v. United National Specialty Insurance Company
Docket No. : 07 CV 11034 (SAS)
Our File : 10111.00405

Dear Judge Scheindlin:

We represent United National Specialty Insurance Company ("United") in the above-captioned litigation.

We write to seek Your Honor's assistance in obtaining plaintiff's, C.D. Kobsons, Inc., automatic disclosure pursuant to FRCP § 26(a)(1). Your Honor will recollect that at the initial conference, it was ordered that initial disclosures would be made on or before January 10, 2008. We timely served on the plaintiff our client's automatic disclosure. However, we have not received C.D. Kobsons, Inc.'s initial disclosure. We requested, by letter dated January 10, 2008 (copy annexed), that the plaintiff produce a copy of their initial disclosure. In response, we received a telephone call advising that the disclosure had been delayed while plaintiff had been out of the country but disclosure would be provided shortly. However, a further week has now passed and we are still yet to receive any disclosure.


Plaintiff is in breach of the order of December 18, 2007. Without receipt of plaintiff's initial disclosure, plaintiff has secured an advantage by depriving the defense of information that could have been used to serve additional discovery demands. In the circumstances, we respectfully request that Your Honor direct that plaintiff exchange its automatic disclosure immediately and that defendant be permitted additional time to serve and obtain a response to a further discovery request. Without this relief, because documentary discovery is to be completed by January 31, 2008, defendant will be prevented from seeking such disclosure with the benefit of having received plaintiff's Rule 26(a) 1 disclosure.

We appreciate Your Honor's consideration of this matter.

Plaintiff must immediately serve its initial disclosures. Defendant may have until February 11 to serve its discovery demands. So Ordered: [Signature] 1/30/08

Respectfully yours,

NICOLETTI GONSON & SPINNER, LLP

A handwritten signature in black ink, appearing to be 'ESB', written over a horizontal line.

Edward S. Benson (EB 1908)

ESB
Enclosure

cc:

VIA FACSIMILE

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